

27050. Misbranding of Tasty-Malt. U. S. v. 198 Tins of Tasty-Malt. Default decree of condemnation and destruction. (F. & D. no. 38488. Sample no. 9268-C.)

This product was labeled to convey the impression that it was chocolate-flavored malted milk. Examination showed that it consisted largely of sugar and cocoa, that it contained no malted milk and contained skim-milk solids instead of milk solids.

On or about October 26, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 198 tins of Tasty-Malt at New Haven, Conn., alleging that it had been shipped in interstate commerce on or about July 7, 1936, by Berko Malted Milk Co., Inc., from Glendale, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Superior Tasty-Malt Chocolate Flavored Healthful Malted Drink * * * Superior Packing Corp. New York City"; (carton) "Tasty-Malt Chocolate Flavor Malted Milk Purest Quality Berko Malted Milk Co., Inc. Glendale, L. I., N. Y."

The article was alleged to be misbranded in that the statements, (carton) "Tasty-Malt Chocolate Flavor Malted Milk" and (can) "Tasty-Malt * * * Malted Drink * * * Do not boil Tasty-Malt—That destroys the health giving ingredients * * * A blend of * * * milk * * * Health giving ingredients * * * Healthy and Sturdy Bodies. Beneficial for adults and invalids. * * * Guaranteed to comply with all Pure Food Laws; Superior Packing Corp. New York City", were false and misleading and tended to deceive and mislead the purchaser since they represented that the article was a chocolate-flavored malted milk and that milk was an ingredient; whereas the article consisted chiefly of sugar, contained no malted milk, and contained skim-milk solids in place of milk solids.

On January 13, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27051. Adulteration of canned beets. U. S. v. 805 Cartons of Canned Beets. Consent decree of condemnation and destruction. (F. & D. no. 38461. Sample no. 8831-C.)

This case involved a shipment of canned beets which were decomposed.

On October 23, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 805 cartons of canned beets at North Bergen, N. J., alleging that they had been shipped in interstate commerce on or about October 1, 1936, by the Krier Preserving Co., from Belgium, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Yankee * * * Beets * * * Packed for North Hudson Grocery Co. Association of Retail Grocers North Bergen, N. J."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 23, 1937, the Krier Preserving Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27052. Adulteration and misbranding of jellies. U. S. v. 570 Jars of Assorted Jellies. Default decree of condemnation and destruction. (F. & D. no. 38467. Sample nos. 10202-C to 10207-C, incl.)

These jellies contained less fruit and more sugar than standard jellies should contain. All contained added pectin; some contained added acid and others added water.

On October 29, 1936, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 570 jars of assorted jellies at Phoenix, Ariz., alleging that they had been shipped in interstate commerce on or about September 21, 1936, by Smart & Final Co., Ltd. from Wilmington, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "S & F Pure Jelly Packed for Smart & Final Co. Ltd. Wholesale Grocers Southern California Blackberry [or "Loganberry", "Red Raspberry", "Currant", or "Strawberry"]."

The articles were alleged to be adulterated: (1) in that sugar, added pectin, and acid in the case of the blackberry jelly; sugar, added pectin, and water

in the case of the loganberry and currant jellies; and sugar, added pectin, acid, and water in the case of the raspberry and strawberry jellies had been mixed and packed with the articles so as to reduce or lower their quality; (2) in that mixtures of fruit juices and said substances containing less fruit juice than jellies should contain had been substituted for jellies, which the articles purported to be; (3) and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statement, "Pure Jelly * * * Blackberry [or "Loganberry", "Red Raspberry", "Currant", or "Strawberry"]," were false and misleading and tended to deceive and mislead the purchaser when applied to articles resembling jellies but containing less fruit juice than jellies should contain; and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On January 18, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27053. Adulteration and misbranding of butter. U. S. v. 207 Pounds of Butter. Default decree of condemnation and destruction. (F. & D. no. 38492. Sample no. 19011-C.)

This butter contained less than 80 percent of milk fat.

On or about September 29, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 207 pounds of butter at Billings, Mont., alleging that it had been shipped in interstate commerce on or about August 8, 1936, by John Morrell & Co., from Sioux Falls, S. Dak., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Yorkshire Farm."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

The article was alleged to be misbranded in that it was labeled "Butter", which was false and misleading since it contained less than 80 percent of milk fat.

On February 5, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27054. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38509. Sample no. 25622-C.)

These apples were contaminated with arsenic and lead.

On October 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bushels of Jonathan apples at Chicago, Ill., alleging that they had been shipped in interstate commerce on or about October 11, 1936, by L. Cealka from Stevensville, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "V. A. Mainwaring Hartford, Mich."

It was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in an amount which might have rendered it injurious to health.

On December 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27055. Misbranding of canned peas. U. S. v. 50 Cases of Canned Peas. Default decree of condemnation and destruction. (F. & D. no. 38523. Sample no. 11645-C.)

This product fell below the standard for canned peas established by this Department, since the peas were not immature, and it was not labeled to indicate that it was substandard.

On November 9, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of canned peas at Charlestown, Mass., alleging that the article had been shipped in inter-